

**REMARKS**

Claims 1-24 were pending in this application.

Claims 1-5, 7-12, 14-17, 19-22, and 24 have been rejected.

Claims 6, 13, 18, and 23 have been objected to.

No claims have been amended.

Claims 1-24 remain pending in this application.

Reconsideration and full allowance of Claims 1-24 are respectfully requested.

**I. ALLOWABLE CLAIMS**

The Applicant thanks the Examiner for the indication that Claims 6, 13, 18, and 23 would be allowable if rewritten in independent form to incorporate the elements of their respective base claims and any intervening claims. Because the Applicant believes that the remaining claims in this application are patentable, the Applicant has not rewritten Claims 6, 13, 18, and 23 in independent form.

**II. REJECTION UNDER 35 U.S.C. § 102**

The Office Action rejects Claims 15 and 17 under 35 U.S.C. § 102(b) as being anticipated by the “admitted prior art” (“*APA*”). This rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567

(Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

<sup>24</sup> The Applicant's specification states that it is desirable to highlight one of multiple windows in a display. (*Application, Page 2, Lines 2-13*). This portion of the Applicant's specification fails to anticipate "increasing the color temperature of at least one color within said selected portion of said display screen" as recited in Claim 15.

The Applicant's specification also states that one previous technique for highlighting a selected portion of a display screen involves making the selected portion brighter than other portions. (*Application, Page 2, Lines 14-18*). This could be accomplished by overdriving the beam current for the selected portion. (*Application, Page 2, Lines 18-20*). This portion of the Applicant's specification also fails to anticipate "increasing the color temperature of at least one color within said selected portion of said display screen" as recited in Claim 15.

The Applicant's specification further states that increasing the white color temperature of an image makes the image appear brighter. (*Application, Page 3, Lines 6-9*). This portion of the Applicant's specification does not recite any mechanism for increasing the color temperature of only a selected portion of a display screen. While the previous section describes making a selected portion of a display screen brighter by overdriving a beam current, this portion does not recite that the white color temperature can be increased in only a selected portion of the display screen. As a result, this portion of the Applicant's specification fails to anticipate "increasing the

color temperature of at least one color within said selected portion of said display screen” as recited in Claim 15.

The cited portions of the Applicant’s specification do not anticipate the Applicant’s invention recited in Claim 15 (and its dependent claims). Accordingly, the Applicant respectfully requests withdrawal of the § 102 rejection and full allowance of Claims 15 and 17.

### III. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1-5, 7-12, 14-17, 19-22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,978,041 to Masuda et al. (“*Masuda*”) in view of U.S. Patent No. 5,920,313 to Diedrichsen et al. (“*Diedrichsen*”). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then

without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

As an initial matter, the Applicant respectfully notes that the Office Action appears to inadvertently read an element into Claim 15. The Office Action states that "claim 15 requires a user input for selecting the portion or one of the multiple windows." (*Office Action, Page 3, Third paragraph*). The Applicant respectfully notes that Claim 15 does not recite any "user input." The Applicant assumes that the Office Action was referring to Claim 20, which does recite "user input."

*Masuda* recites different display systems for displaying images. In one embodiment shown in Figure 27, a display device is capable of displaying different types of video signals

(high definition TV signals, NTSC TV signals, computer signals). (*Col. 28, Lines 27-65*). The display device is capable of changing the color temperature of the displayed images so that the optimum color temperature is used for each type of signal. (*Col. 28, Lines 27-36*).

This portion of *Masuda* simply recites that the color temperature of an entire image can be altered depending on the type of input signal being received. This portion of *Masuda* contains absolutely no mention of altering the color temperature of at least one pixel or at least one color in a “selected portion” of a display screen as recited in the claims. As a result, this portion of *Masuda* fails to disclose, teach, or suggest these elements of the claims.

In other embodiments of *Masuda* shown in Figures 31 and 34-36, a display device includes “specific area brightness conversion means” (element 32 or 3102). (*Col. 32, Lines 20-23*). The specific area brightness conversion means are capable of increasing the brightness in one or more specific areas of an image. (*Col. 32, Lines 33-37*). The specific area brightness conversion means increase the brightness of the specific area by altering at least one of an “amplitude level” and a “DC level” of image signals for the specific area. (*Abstract*).

This portion of *Masuda* simply recites that various portions of a displayed image can be brightened by altering the “amplitude level” and/or the “DC level” of image signals. This portion of *Masuda* contains absolutely no mention of altering the “color temperature” of at least one pixel or at least one color in a “selected portion” of a display screen as recited in the claims. As a result, this portion of *Masuda* also fails to disclose, teach, or suggest these elements of the claims.

*Diedrichsen* is cited by the Office Action only as reciting the highlighting of an object on a display screen based on user input. *Diedrichsen* is not cited by the Office Action as disclosing the alteration of the “color temperature” of at least one pixel or at least one color in a “selected portion” of a display screen as recited in the claims.

For these reasons, the proposed *Masuda-Diedrichsen* combination fails to disclose, teach, or suggest the Applicant’s invention recited in the claims. Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection and full allowance of Claims 1-5, 7-12, 14-17, 19-22, and 24.

#### IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the claims in the application are in condition for allowance and respectfully requests an early allowance of such claims.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208. No extension of time is believed to be necessary. If an extension of time is needed, however, the extension is requested. Please charge the fee for the extension to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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William A. Munck  
Registration No. 39,308

P.O. Drawer 800889  
Dallas, Texas 75240  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: *wmunck@davismunck.com*